

**AMENDED ORDER ADOPTING COURTROOM PROTOCOLS UNDER
CERTAIN PUBLIC HEALTH OR SAFETY CONCERNS**

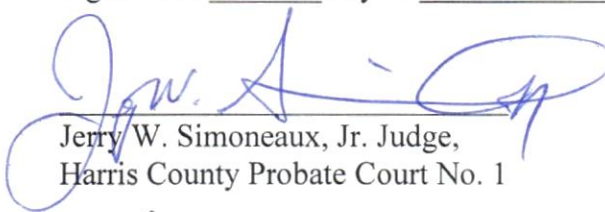
The Probate Courts recognize the concern about a potential outbreak of coronavirus. The health and safety of attorneys, clients, the public, and those who work in the courthouses remains a paramount concern. Although no health emergency has been declared that restricts public access to the courthouses and the CDC states, “for the majority of people, the immediate risk of being exposed to the virus that causes COVID-19 is thought to be low,”¹ the Probate Courts have determined adopting a protocol in advance of an emergency is appropriate.

Therefore, the Harris County Probate Courts adopt these protocols during a public health or safety emergency:

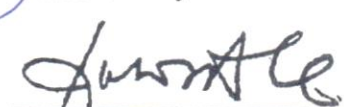
1. The due process rights of the parties must be protected.
2. The number of hearings that are held should be minimized.
3. The Court should minimize hearings that are mandated only by the rules of procedure, local rules, or court orders.
4. Required hearings should be conducted in a manner to minimize in-person attendance.
5. Technology used to conduct hearings should be made widely available at no cost or low cost to hearing participants.
6. Hearings must be conducted in a manner to preserve the appellate rights of the parties.
7. Statutory hearing deadlines must be respected.
8. Court personnel should be able to work remotely, as appropriate.
9. The protocol should be modified as circumstances warrant.

In furtherance of these principles, the Probate Courts adopt the attached Protocol. The Protocol will be available only if a need arises, and only on further Court Order.

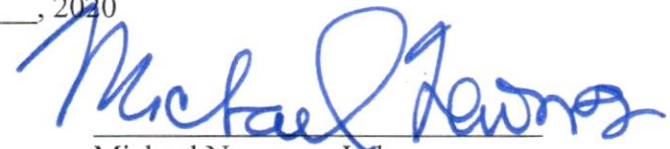
Signed this 12th day of March, 2020



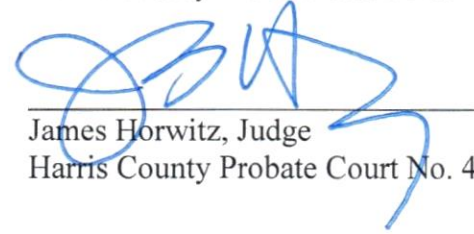
Jerry W. Simoneaux, Jr. Judge,
Harris County Probate Court No. 1



Jason Cox, Judge
Harris County Probate Court No. 3



Michael Newman, Judge
Harris County Probate Court No. 2



James Horwitz, Judge
Harris County Probate Court No. 4

¹ <https://www.cdc.gov/coronavirus/2019-ncov/summary.html>, last visited March 10, 2020.

PROTOCOL FOR EMERGENCY PUBLIC HEALTH OR SAFETY CONDITIONS

A. Purpose and Implementation

1. This protocol applies to all cases in Harris County Probate Courts and proceedings when attorneys, parties, witnesses, judges or staff are unable to attend scheduled hearings due to a declaration by state, local, or federal officials that limits or restricts the Courts' ability to hold in-person hearings.
2. The judge of each court, the Administrative Judge, or the Presiding Judge of the Probate Court may implement the protocol by order.
3. The Order invoking the protocol will be posted on the main website for the four probate courts and may also be disseminated publicly on social media and through the Houston Bar Association.
4. The Order invoking the protocol will include appropriate modifications, as circumstances warrant. The Order invoking protocol will be terminated by a termination order, also posted on the courts' website and distributed through social media and the Houston Bar Association.
5. The Protocol Period is the time between the date the Order invoking the protocol is signed and the date the Order terminating the protocol is signed.
6. Hearings may be scheduled or rescheduled by each Court to be heard during the Protocol Period:
 - i. The hearing will be conducted electronically to the extent possible.
 - ii. Parties should file a Notice of Hearing that include a statement of whether the hearing will be conducted via video appearance
 - a. If the hearing is contested, the party serving a Notice of Hearing should include a Certificate of Conference stating that the party has conferred with all other parties and confirmed that the hearing will be conducted via video.
 - iii. Parties are responsible for monitoring the Probate Courts' website and dockets in their case.
 - iv. Remote video or telephonic appearance is required on the same basis as would otherwise be required for attendance in the absence of the invocation of this protocol.
7. After the Protocol Period, the Court may reschedule previously planned or canceled hearings to be conducted in the ordinary course.

B. Remote Hearings and Trials

1. Remote Hearings may be conducted via audio only or video with audio, with the following restrictions:
 - i. Each witness must appear by video with audio.
 - ii. Witnesses who are required to appear by subpoena must comply with the subpoena by an appearance via video with audio.
 - iii. Personal attendance at scheduled Remote Hearings will not be permitted, except as Ordered by the Court.

2. As soon as practical, and at least three days in advance of the Hearing, Parties should share exhibits. To the extent possible, Parties should agree to the admissibility of exhibits prior to the Remote Hearing.
3. All Court-imposed deadlines and all deadlines imposed by local rules are tolled during the Protocol Period. All deadlines or limitations in the Texas Estates Code and the Texas Rules of Civil Procedure and other statutory or common-law deadlines remain in effect, except as ordered by the Supreme Court of Texas or as otherwise provided by Tex. Gov't Code § 22.0035 or other applicable statute.
4. During the Protocol Period, bench trials may proceed by agreement of the parties and by Leave of Court. Jury trials will not be available.
5. Technology requirements for video hearings:
 - i. A computer with a camera and microphone; or
 - ii. A smart phone with camera. Please be sure to download the "Zoom" app from the Apple store or Google Play well in advance of the hearing.
 - iii. It is the recommendation of the court to use a computer rather than a smart phone.
6. Participants may share documents during the hearing.
7. For Heirships, Administrations, Guardianships, and the Probate of Wills
 - i. It will not be possible to probate a will without in-person testimony to identify and prove up the will. If an emergency order directs that no member of the public may enter the courthouse, the Courts may reschedule the probate of wills until a time when the emergency order is terminated.
 - ii. For all hearings that require testimony to be reduced to writing, Parties should execute and notarize the testimony and efile it only after the judge signs an order.
 - iii. Oaths should not be executed or filed until after the judge signs the order appointing the personal representative or guardian. The Clerk will not charge the \$2.00 fee if the oath is executed and notarized outside of the Clerk's office.

C. Variance from Protocol

1. Each judge may vary this protocol on a case-by-case basis.

D. Amendments

1. As circumstances warrant, this protocol may be amended on an emergency basis by a majority of the judges

E. Remote Hearing information

1. Remote hearings during the Protocol Period are conducted through Zoom Video Conferencing at www.Zoom.us. Remote hearings outside of the Protocol Period are conducted through Court Call at www.CourtCall.com. Zoom conferences are reserved for court appointees and those who have filed an Affidavit of Inability to Pay Costs.
2. Contact the court to schedule a video appearance. Upon confirmation, the court staff member will email you a link to join the hearing.

3. Parties will be assigned their own, private virtual room. When the case is called, a Staff Member will notify the parties to join the judge simultaneously, and give instructions for doing so.

F. Contact Information

1. Probate Courts' main website: <https://probate.harriscountytexas.gov/Pages/default.aspx>
2. Probate Court 1
 - i. Web: <https://probatecert1.harriscountytexas.gov/Pages/default.aspx>
 - ii. Phone: 832-927-1401
 - iii. Email:
 - a. Associate Judge Ruth Ann Stiles: ruth.stiles@prob.hctx.net
 - b. Chief of Staff / Coordinator Kimberly Hightower, kimberly.hightower@prob.hctx.net
3. Probate Court 2
 - i. Web: <https://probatecert2.harriscountytexas.gov/pages/default.aspx>
 - ii. Phone: 832-927-1402
 - iii. Email:
 - a. Associate Judge Susie Rowley: susie.rowley@prob.hctx.net
 - b. Court Coordinator Yolanda Lopez: yolanda.lopez@prob.hctx.net
4. Probate Court 3
 - i. Web: <https://probatecert3.harriscountytexas.gov/Pages/default.aspx>
 - ii. Phone: 832-927-1403
 - iii. Email:
 - a. Associate Judge Amy Parsons: amy.parsons@prob.hctx.net
 - b. Chief of Staff / Coordinator Deanise Jagnanan: Deanise.Jagnanan@prob.hctx.net
5. Probate Court 4
 - i. Web: <https://probatecert4.harriscountytexas.gov/Pages/default.aspx>
 - ii. Phone: 832-927-1404
 - iii. Email:
 - a. Associate Judge Clarinda Comstock: Clarinda.Comstock@prob.hctx.net
 - b. Office Manager Sherrie Fox: Sherrie.Fox@prob.hctx.net